APPENDIX A.

NUMBER A-7848

20TH JUDICIAL DISTRICT COURT
PARISH OF EAST FELICIANA
STATE OF LOUISIANA

JOHN R. RARICK,
Plaintiff,

versus

JAMES H. MORRISON, ET AL.,
Defendant.

PEREMPTORY EXCEPTION.

Now into Court through undersigned Counsel, comes James H. Morrison, a defendant, appearing solely for the purpose of this exception and excepts to the plaintiff's suit and petition on the following grounds:

I.

The plaintiff's petition discloses no cause of action.

II.

The plaintiff has no right of action against defendant, James H. Morrison.

WHEREFORE, exceptor prays that this exception be maintained and that plaintiff's suit be dismissed.

SAM MONK ZELDEN,
TALLEY, ANTHONY, HUGHES
KNIGHT,
By BASCOM D. TALLEY, JR.,
(Bascom D. Talley, Jr.),
Attorneys for Defendant
James H. Morrison,
322 Columbia Street,
Bogalusa, Louisiana
70427.

CERTIFICATE.

I hereby certify that a copy of the above and foregoing exceptions has this date been served on the attorney of record by depositing same in the United States mail.

Bogaulsa, Louisiana, this 22nd day of July, 1967.

BASCOM D. TALLEY, JR.,
(Bascom D. Talley, Jr.).

APPENDIX B.

NUMBER A-7848

20TH JUDICIAL DISTRICT COURT
PARISH OF EAST FELICIANA
STATE OF LOUISIANA

JOHN R. RARICK,

versus

JAMES H. MORRISON, ET AL.

JUDGMENT.

This hearing on Exceptions of No Right and No Cause of Action came on this date according to previous assignment.

Present in Court were: Mr. Jack Rogers, Attorney at Law for Plaintiff John R. Rarick and Bascom Talley, Attorney at Law for Defendant Morrison.

After hearing arguments of counsel and considering the briefs filed by opposing counsel, and the law and the evidence being in favor thereof for written reasons assigned:

IT IS ORDERED, ADJUDGED, AND DECREED that the Exceptions of No Right and No Cause of Action are overruled.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the Defendant shall have ten (10) days from this date in which to file his answer, as provided by Article 1001, second paragraph Louisiana Code of Civil Procedure.

JUDGMENT READ, RENDERED, AND SIGNED in Open Court, Clinton, Louisiana this 27 day of May, 1968.

(S.) WILLIAM T. BENNETT,
(William T. Bennett),
Judge.

APPENDIX C.

NUMBER A-7848

20TH JUDICIAL DISTRICT COURT
PARISH OF EAST FELICIANA
STATE OF LOUISIANA

JOHN R. RARICK,

versus

JAMES H. MORRISON, ET AL.

REASONS FOR JUDGMENT ON EXCEPTION OF NO CAUSE OF ACTION AND NO RIGHT OF ACTION.

This is a suit for damages against defendant, James H. Morrison, and other defendants not specifically named by plaintiff, seeking a money judgment for alleged damages resulting from the publication of material alleged to have been libelous. The alleged libel occurred during a political campaign in which the plaintiff opposed the defendant for election to Congress. The defendant Morrison was the incumbent and was defeated by the plaintiff.

The defendant Morrison has filed Peremptory Exceptions objecting to the petition in that it states neither a cause of action nor a right of action.

This matter comes before the Court today for the limited purpose of a hearing on these exceptions.

For the purpose of considering the Exception of No Cause of Action, it is well settled under our law that all well pleaded facts of plaintiff's petition are taken as being admitted by the defendant.

Considering first the Exception of No Right of Action, there can be little doubt that it is totally without foundation. It is well settled in our jurisprudence that the Exception of No Right of Action addresses itself to the alleged lack of interest on the part of plaintiff in the subject matter of the litigation. LSA-C.C.P. Art. 927, Riche v. Ascension School Board, La. App. 200 So. 681; Dyer v. Davis, 189 So. 2d 678.

Plaintiff having alleged he was libeled by the publications by defendant and suffered damages as a result, therefore, has clearly shown an interest in the subject matter of this litigation, which is his asserted right to damages for the libel which he urges has been committed to his detriment. (Dyer case.)

Defendants' Exception of No Cause of Action is likewise without merit as will appear from a reading of the entire opinion in the Dyer case. The Dyer case was cited by defendants as authority for sustaining his exception. Actually, in my opinion, the Dyer case is authority for overruling the Exceptions of No Right or Cause of Action rather than sustaining them. In the Dyer case, Exceptions of No Right and No Cause of Action were filed by defendant. Both Exceptions were overruled by the Trial Court. The Court of Appeals sustained the ruling (although on different

grounds) and Certiorari was denied by the Supreme Court of Louisiana. It was contended on appeal in the Dyer case that the Exception should be sustained because plaintiff, quote:

> "failed to allege the purported libel was committed with 'actual malice'—does not aver a case within the ambit of the Times and Garrison cases. . . and therefore fails to state a cause of action for which plaintiff may obtain relief in the courts. The trial court, however, overruled defendant's exception of no cause of action on the ground that the cases relied upon by defendant apply only to persons *in public office* and therefore did not obtain in the present matter which concerns a *candidate for public office.* In so concluding, we think our learned brother below reached the proper result but on the improper basis."

The Court then quoted from the petition wherein the plaintiff Dyer alleges a conspiracy between the defendants in the publication of allegedly offensive matter and in which he alleged in substance that the alleged conspiracy was deliberate, willful, false, and malicious. The Court then said:

> "For the purpose of disposing of the Exception of No Cause of Action, it suffices to state the allegations noted bring the case within the rule of the New York Times decision, supra, which in effect holds that as regards *public officials*, to be

> actionable a libel must be with 'actual malice', which means it must be knowingly false or made with reckless disregard of whether it was false or not. The essence of the verbiage chosen by plaintiff to state his case is what determines whether he has in fact stated a cause of action. The language employed in the case at bar in substance charges actual malice in that it alleges a deliberate and willfully false statement, the equivalent of knowingly false. We hold, therefore, the petition *states a cause of action in law.*" (Emphasis supplied.)

In the present case before this Court, it is alleged throughout plaintiff Rarick's petition that it was defamatory, deliberately false, and malicious; and, specifically, in paragraph four the following allegations are noted:

> ". . . .which newspaper contained a large amount of material which was totally false, untrue, and maliciously libelous to petitioner and which material was, in fact, published and distributed by defendants herein with actual malice toward petitioner and with full knowledge that the said material was false or alternative was reckless disregard as to whether it was false or not, and further, said material was published by defendants directed and specifically intended to injure, harm, and embarrass petitioner personally."

The Dyer case interpreted and applied, the Times and Garrison cases, and specifically extended the rule in those cases to apply to candidates for public office as well as to public office holders.

In the most recent Federal case on this point, Melvin M. Belli v. Orlando Daily Newspapers, Inc., et al., 389 F.2d 579, decided December 28, 1967, the United States Fifth Circuit Court of Appeal in reversing a Federal District Court in Florida which had dismissed plaintiff's petition for libel without trial on the merits said:

> "The Supreme Court in New York Times Co. v. Sullivan required 'convincing clarity' of the *proof* presented to show *actual malice* 376 U.S. at 285-86 (and found it lacking in that case); however, this requirement extends only to the *proof* required to meet the constitutional demands. As to the *complaint,* (petition), the Federal Rules of Civil Procedure require only that 'Malice, intent, knowledge, and other condition of mind of a person' . . . be *averred* generally. Rule 9(b)". (Emphasis supplied.)

> "Belli charged the defendants with *actual malice'* in publication of the allegedly libelous article. This charge then, is sufficient on its face to establish a basis for a showing of actual malice by defendants in perpetration of the alleged libel, as required by the New York Times decision." (Emphasis supplied.)

The Court then referred the *Belli* case back to the District Court for trial.

In the present case Rarick charges Morrison with "actual malice" in publishing of the allegedly libelous articles. This charge is sufficient on its face to establish a basis for a showing before a jury, since a jury has been prayed for and granted to the plaintiff, of actual malice by the defendant in perpetration of the alleged libel as required by the New York Times decision, the Garrison case and the Dyer case, and more recently by the case of Thompson v. St. Amant, 88 S.Ct. 1323.

In overruling Defendant's Exceptions in this case, this Court is also following the ruling of the Supreme Court of Louisiana in Fontenot v. Fontenot, 235 La. 488 104 So. 2d 431 in which the District Court dismissed a suit in slander on an Exception of No Cause of Action. In reversing the decision of the lower court, the Supreme Court of Louisiana said:

> "In Mundy v. Gentilly Oaks, 227 La. 118, 78 So. 2d 530, 533 a charge of libel and slander was held by the district court to *state no cause of action.* We overruled the exception, being of the opinion that 'while the mentioned statements are not slanderous per se, plaintiff has specifically alleged that they were false and were made maliciously with resultant injury to his personal and business reputation. These allegations, under our jurisprudence, are sufficient for stating

a cause of action. . . .' Fellman v. Dreyfous, 47 La. Ann. 907, 17 So. 422; New Iberia Extract of Tobasco Pepper Co. v. E. McIllhenny's Son, 132 La. 149, 61 So. 131; Vicnair v. Daily States Publishing Co., 153 La. 677, 96 So. 529. *Whether or not they can and will be proved is a question not presently before us.*" (Emphasis supplied.)

"(1) Martin v. The Picayune, 115 La. 979, 40 So. 376, 377, 4 L.R.A. N.S., 861, is authority for the proposition that doubt as to whether the petitioner states a cause of action in defamation should be resolved in favor of trial on the merits."

Further, the above cases were quoted with approval in the case of Dr. Anne Lazar v. Lionel Gremillion et al., 189 So. 2d 35, which was a suit for libel. In the Lazar case the trial court sustained an Exception of No Cause of Action filed by the defendants. The Court of Appeal, First Circuit, reversed the lower court and remanded the case for trial to the District Court stating in the concluding paragraph of the judgment:

"*We believe that the petitioner is entitled to her day in court.* It might well be true that, after a trial on the merits, it will be found that she is unable to sustain her position, however, this is a matter to be determined after evidence has been adduced upon trial on the merits." (Emphasis supplied.)

For reasons assigned the Exceptions of No Right or Cause of Action are overruled and judgment will be signed accordingly.

Clinton, Louisiana, this 27th day of May, 1968.

WILLIAM T. BENNETT,
(William T. Bennett),
Judge.

Filed this 27 day of May 1968.

A TRUE AND CORRECT COPY.

This 27 day of May 1968.

INEZ M. DURHAM,
East Feliciana Parish, Clerk of
Court, State of La.

APPENDIX D.

COURT OF APPEAL, FIRST CIRCUIT
STATE OF LOUISIANA

No. 7583

JOHN R. RARICK,

versus

JAMES H. MORRISON, ET AL.

In Re James H. Morrison applying for writs of Certiorari, Prohibition and Mandamus to the Twentieth Judicial District Court, Parish of East Feliciana, Honorable William T. Bennett, Judge, presiding.

Writs refused: The ruling of the trial court is correct.

JULIAN E. BAILES,
PAUL B. LANDRY JR.,
Judges.

A TRUE COPY:

JOHN E. MILLER,
Clerk, Court of Appeal, First Circuit, State of Louisiana.

Filed Jul. 1, 1968.

APPENDIX E.

SUPREME COURT OF LOUISIANA

NEW ORLEANS, 70112

No. 49,466

JOHN R. RARICK,

versus

JAMES H. MORRISON, ET AL.

October 9, 1968

In re: James H. Morrison applying for writs of certiorari, prohibition or mandamus.

Writ refused. The exception having been overruled, the matter is not final. Applicant has a remedy by appeal in the event of an adverse ruling on the merits.

(S.) MEB.
(S.) JBF.
(S.) JBH.
(S.) EHMcC.
(S.) WBH.
(S.) JWS.
(S.) FWS.

A TRUE COPY.

Clerk's Office,
Supreme Court of Louisiana,
New Orleans.

October 9, 1968.

HAROLD A. MOISE, JR.,
Deputy Clerk.

APPENDIX F.

NUMBER A-7848

20TH JUDICIAL DISTRICT COURT
PARISH OF EAST FELICIANA
STATE OF LOUISIANA

JOHN R. RARICK,

versus

JAMES H. MORRISON, ET AL.

TO THE HONORABLE THE 20TH JUDICIAL DISTRICT COURT, IN AND FOR THE PARISH OF WEST FELICIANA, STATE OF LOUISIANA:

The petition of John R. Rarick, a resident of the full age of majority of the Parish of West Feliciana, State of Louisiana, with respect represents that:

1.

Defendant James H. Morrison, a resident of the full age of majority of the Parish of Tangipahoa, State of Louisiana, John Doe, whose correct name, age and residence is unknown to petitioner but whom petitioner alleges on information and belief to be of the full age of majority and a resident of the State of Louisiana, and certain other defendants whose correct names, ages and residences are unknown to petitioner but who are alleged by petition-

er on information and belief to be of the full age or majority and residents of the State of Louisiana, acting in concert with and in a conspiracy with defendants James H. Morrison and John Doe, are justly and truly indebted, in solido, unto petitioner in the full and true amount of Five Hundred Thousand and No/100 ($500,000.00) Dollars, together with judicial interest thereupon from date of judicial demand until paid, for the following reasons:

2.

Petitioner, who is a candidate for the United States House of Representatives, has been the victim of certain vicious, malicious, cruel, false and illegal libels and slanders which petitioner respectfully alleges were instigated, procured and conspired for by defendant James H. Morrison, defendant John Doe and certain other defendants unknown to petitioner who were all acting in concert and in a conspiracy with defendants Morrison and Doe to carry out the acts complained of herein.

3.

The correct names, ages and residences of John Doe and the other unknown defendants herein are well known to defendant Morrison and peculiarly within his personal knowledge and petitioner desires and is legally entitled to have certain interrogatories, which are attached hereto and made a part hereof, answered by defendant Morrison so as to properly

name, cite and serve these various unknown defendants.

4.

On or about August 3, 1966, in the Parish of East Feliciana, and elsewhere through the 6th Congressional District of Louisiana, defendants herein acting in concert with and in a conspiracy, caused to be published and did publish and distribute, through the United States Mails and otherwise, a four page tabloid size newspaper, labeled "6th District Good Government News," datelined "Volume II, 6th Congressional District of Louisiana, August, 1966" a copy of which is attached hereto and made a part hereof as if copied in extenso, which newspaper contains a large amount of material which is totally false, untrue and maliciously libelous as to petitioner and which material was in fact published and distributed by defendants herein with actual malice toward petitioner and with full knowledge that said material was false or alternatively with reckless disregard of whether it was false or not, and further, said material was published by defendants directed and specifically intended to injure, harm and embarrass petitioner personally.

5.

Said libelous material was published by defendants specifically naming and identifying petitioner personally and clearly contains a personal attack upon

petitioner and petitioner's personal conduct and reputation as an individual rather than solely a criticism of the past performance of petitioner's official duties as a public official.

6.

Among other libelous comments published by defendants in the aforesaid material, it contains words describing petitioner and his personal conduct as follows:

"John R. Rarick Exposed as Member of KKK"

"Joined Ku Klux Klan at St. Francisville in 1963"

"Became Ku Klux Klan Exalted Cyclops in 1964"

"Rarick Betrayed People When He Joined Ku Klux Klan."

"Judge Ben N. Tucker Amazed to find Rarick's Klan Paraphernalia LEFT BEHIND

"St. Francisville, La. It has been hush, hush, but it's out in the open now because in May, when John R. Rarick, THE KLAN'S MAN FROM INDIANA, resigned, as Judge, to run for Congress he did not clean out the Judge's office, nor his chambers or closets. It was not a case of finding skeletons, but it was a case of finding a burned out fiery cross, a great deal of KKK paraphernalia, some secret Klan documents,

some home-made flare bombs and home-made hand grenades and a few other odds and ends of what it takes to operate as a real good, first-class, card-carrying Klansman.

"The most surprised man in America was not John Rarick, when he realized that he had forgotten a few of his Klan knickknacks, but it was Judge Ben N. Tucker of Hammond, ... "

7.

On page one of said newspaper, as will appear in the copy attached hereto and made a part hereof, there appears a picture of a person in a white robe and hood holding a burning cross, said picture being captioned "Is This the Way a Congressman Dresses?" above said picture and having below said picture the following words:

"In interviewing people about the coming election, one voter gave his reason for voting against Rarick, The Klan's Man From Indiana. 'I think the vast majority of folks ought to vote against Rarick, because if he was foolish enough, and mean enough, and hateful enough to join the Klan—He might be just foolish enough to wear a Klan's costume (like the one above) when he took his seat in Congress, if he, by a miracle, was elected (he won't be however).' To add a further comment, both Rarick and the Klan's robes are therefore safe from getting on the floor of Congress."

all of the above, including the described picture, being libelous as to petitioner.

8.

On page 3 of said newspaper, as will appear in the copy attached hereto and made a part hereof, there appears a group of pictures covering the entire page, eight of them showing various persons dressed as Ku Klux Klansmen, and one picture, in the center of the page and surrounded by the other eight pictures, being a picture of the face of your petitioner, said page being captioned at the top, "What You See Below Is The—Ugly Mess Known as the Ku Klux Klan. You Can Do Something About It! By Voting Against The Ku Klux Klan Brand of Extremism on Saturday, August 13th." and captioned at the bottom of the page, "Pictured Above—Upper Left Is The Imperial Wizard, Robert Shelton of Tuscaloosa, Alabama. Near the Center You Can See John R. Rarick, The Klan's Man From Indiana. The Issue Is Clear-Cut—Law and Order Versus KKK Extremism. Vote For Jimmy Morrison, No. 8," all of which, pictures and captions combined, being libelous as to petitioner.

9.

The balance of the material in said newspaper, directly related therein to petitioner, specifically and by name, falsely alleges that petitioner is a member of the Ku Klux Klan and is by inference

guilty of crimes and bad conduct and is an unfit and unworthy person by virtue of said membership, which is, when taken in its entirety, libelous as to petitioner.

10.

The aforesaid newspaper was broadly distributed by defendants, sometimes even in duplicate, to all or practically all of the approximately 220,000 registered voters of the Sixth Congressional District of Louisiana, including all or practically all of the registered voters in the Parish of East Feliciana.

11.

Petitioner denies that he is now or ever has been a member of the "Ku Klux Klan" as falsely, maliciously and libelously alleged by defendants in the material described above.

12.

The above described newspaper, as will be seen in the copy attached hereto and made a part hereof, does not contain the name or names of the person or persons responsible for its publication or distribution, which is illegal and in fact is a felony under the provisions of Louisiana Revised Statutes Title 18, Section 1531, and because of the illegal nature of such a publication it is a gross aggravation of the libel described above and is in itself an illegal act directed against petitioner causing him serious damage.

13.

Defendants have further aggravated the damages suffered by petitioner by printing, publishing and distributing in the Parish of East Feliciana and elsewhere throughout the Sixth Congressional District of Louisiana, on or about August 5, 1966, a large number of small black cards, one of which is attached hereto and made a part hereof as if copied in extenso, bearing the picture of a person in a Ku Klux Klan hood, captioned at the top, "John R. Rarick," and at the bottom, "The 'Klan-Man' From Indiana Wants Your Vote For U. S. Congress," which card is also a criminal violation of Louisiana Revised Statutes Title 18, Section 1531, as it contains no name or address of the person or persons who published and distributed it, as will appear on the card attached hereto, and said card is both an illegal act directed against petitioner and a libel as to petitioner, both causing him serious damage.

14.

As a direct and proximate result of the aforesaid libelous publication and illegal acts by defendants herein, petitioner has suffered irreparable, permanent and serious damage, both presently and in the future, to his personal reputation, earning potential and public stature and has been subjected thereby to serious extensive pain, suffering and mental anguish at seeing his reputation so destroyed and the resulting harm to himself and his family, and petitioner has been damaged thereby in the full and true amount of Five Hundred Thousand and

No/100 ($500,000.00) Dollars for which amount defendants are liable, in solido, unto petitioner.

15.

Petitioner fears that defendants James H. Morrison, John Doe and various other defendants acting in concert and in a conspiracy with defendants Morrison and Doe will continue to publish similar illegal libelous material directed against petitioner, causing him further irreparable injury and damage, and petitioner desires and is legally entitled to a temporary restraining order, a preliminary and a permanent injunction against defendants James H. Morrison and John Doe and all other defendants and persons acting in concert with or in a conspiracy with said defendants Morrison and Doe, restraining, enjoining and prohibiting them and all of them from doing any act to further libel or damage petitioner by publication or any other means, legal or illegal.

16.

Petitioner desires, is legally entitled to, and requests a jury trial.

WHEREFORE, petitioner respectfully prays that defendants herein be served with copies of this petition and the attached interrogatories and duly cited to appear and answer same, and also that defendant be duly cited to answer the interrogatories attached hereto and made a part hereof, under oath, in writing, and categorically in the manner fixed by law, and after legal delays and due proceedings had, that there be judgment herein in favor of petitioner

John R. Rarick and against defendants James H. Morrison, John Doe and the various other defendants acting in concert with and in a conspiracy with defendants James H. Morrison and John Doe, their names being unknown to petitioner at this time, said judgment being rendered in solido against all defendants in the full and true amount of Five Hundred Thousand and No/100 ($500,000.00) Dollars, together with legal interest at the rate of 5% per annum from date of judicial demand until paid, and for all costs of this suit.

Petitioner further prays that a temporary restraining order, a preliminary and a permanent injunction be issued and granted herein restraining, enjoining and prohibiting defendants James H. Morrison, John Doe, and the various other defendants herein whose names are at this time unknown to petitioner and who are acting in concert with or in a conspiracy with defendants Morrison and Doe, from doing any act to further libel or damage petitioner by publication or any other means, legal or illegal.

Petitioner finally prays for a jury trial of all issues and general and equitable relief.

By Attorneys:

ROGERS AND CASKEY,
840 Commerce Building,
Baton Rouge, La.,
By JACK N. ROGERS,
(Jack N. Rogers).

ORDER.

The foregoing petition being considered,

LET a trial by jury be had in this case upon plaintiff posting a bond for costs in the amount of One Thousand and No/100 ($1000.00) Dollars.

New Roads, Louisiana, this 9th day of August, 1966.

ROSS KEARNEY, JR.,
Judge, 20th Judicial District
Court.

Filed This 10 day of Aug., 1966.

NUMBER A-7848

20TH JUDICIAL DISTRICT COURT
PARISH OF EAST FELICIANA
STATE OF LOUISIANA

JOHN R. RARICK,

versus

JAMES H. MORRISON.

INTERROGATORIES TO BE ANSWERED CATEGORICALLY AND UNDER OATH, IN WRITING, WITHIN FIFTEEN (15) DAYS FROM DATE OF SERVICE BY:

JAMES H. MORRISON, DEFENDANT HEREIN

Interrogatory No. 1.

List the names and addresses of any and all members, officers and employees of the "Good Government League Committee" known to you.

Interrogatory No. 2.

State the name and address of the person or persons holding U. S. Bulk Postage Permit No. 16, in Port Allen, Louisiana.

Interrogatory No. 3

State the names and addresses of any and all persons known to you to have written, printed, edited, composed, typeset, photographed, mailed or distributed any of the material, pictures, captions or articles contained in Volume II, "6th District Good Government News," dated August, 1966, or any finished copies of said newspaper.

Interrogatory No. 4.

State the names and addresses of any and all persons known to you to have contributed any funds toward the publication of Volume II, "6th District Good Government News," dated August, 1966.

Interrogatory No. 5.

State categorically whether or not you supplied the mailing list used in the mailing of "6th District Good Government News" dated August, 1966, and the name and address of the person or persons to whom you supplied said mailing list.

Interrogatory No. 6.

State the names and addresses of all persons whom you have authorized in the last six months to use the picture of yourself and your family which appears on page one of Volume II, "6th District Good Government News," dated August, 1966.

Interrogatory No. 7.

State the names and addresses of any and all persons known to you to have written, printed, photographed, reproduced or distributed copies of a small black card containing the picture of a person in a white hood and the words "John R. Rarick, The 'Klan-Man' From Indiana Wants Your vote for U. S. Congress," plus the names and addressed of any and all persons known to you to have contributed any funds toward the printing or distribution of said cards.

By Attorneys:

ROGERS AND CASKEY,
840 Commerce Building,
Baton Rouge, La.,
By JACK N. ROGERS.

APPENDIX G.

NUMBER A-7848

20TH JUDICIAL DISTRICT COURT
PARISH OF EAST FELICIANA
STATE OF LOUISIANA

JOHN R. RARICK,

Plaintiff,

versus

JAMES H. MORRISON, ET AL.,

Defendant.

ANSWERS TO INTERROGATORIES.

Now into court comes James H. Morrison, defendant in the above entitled and numbered cause, and for answer to the interrogatories propounded herein by plaintiff says:

I.

Answering Interrogatory Number 1, not known.

II.

Answering Interrogatory Number II, not known.

III.

Answering Interrogatory Number III, not known.

IV.

Answering Interrogatory Number IV, not known.

V.

Answering Interrogatory Number V, no.

VI.

Answering Interrogatory Number VI, no one.

VII.

Answering Interrogatory Number VII, not known.

I did not knowingly participate in solicitation of any votes for John Rarick.

JAMES H. MORRISON.

State of Louisiana,
Parish of Washington,

Before me, the undersigned authority, personally came and appeared James H. Morrison, who being first duly sworn, deposed and said that he is the defendant in the above captioned cause, that the above and foregoing answers to the interrogatories on facts and articles propounded to him by plaintiff herein are true and correct.

JAMES H. MORRISON.

Sworn to and subscribed before me this 1st day of November, 1967.

BASCOM D. TALLEY, JR.

APPENDIX H.

Filed: This 26 day of March, 1968, Inez M. Durham, East Feliciana Parish, Clerk of Court, State of La.

A TRUE AND CORRECT COPY: This 15 day of April, 1968, Inez M. Durham, East Feliciana Parish, Clerk of Court, State of La.

NUMBER A-7848

20TH JUDICIAL DISTRICT COURT
PARISH OF EAST FELICIANA
STATE OF LOUISIANA

JOHN R. RARICK,

versus

JAMES H. MORRISON, ET AL.

MOTION.

On motion of James H. Morrison, a defendant in the above entitled and numbered cause, and upon suggesting to the Court,

I.

The plaintiff, John R. Rarick, has in his possession, custody and control documents and papers, not privileged, which constitute or contain evidence relating to plaintiff's alleged cause of action and the damages allegedly sustained in the above entitled and numbered cause, consisting of the following:

1. Federal income tax returns and all supporting schedules relating thereto of plaintiff, John R. Rarick, for the years 1963, 1964, 1965, 1966, and 1967.

2. Louisiana income tax returns and all supporting schedules relating thereto for the years 1963, 1964, 1965, 1966 and 1967.

3. Ledgers, journals, checkbooks, cancelled checks and other financial records forming the basis for the information contained in the tax returns described in 1 and 2 above.

II.

It is necessary that mover have the privilege of examining the said documents prior to the trial of this cause for the purpose of enabling him to prepare for the trial of the said cause, particularly as it relates to the alleged damages sustained by the plaintiff in this matter.

III.

It is therefore necessary that this Honorable Court order the said John R. Rarick to produce and permit on the .... day of April, 1968, at the office of Janet Parker, Louisiana Ntl. Bank Bldg., Baton Rouge, La., the inspection, copying or photographing by and on behalf of mover, James H. Morrison, of the books, papers and documents referred to above.

IT IS ORDERED BY THE COURT that John R. Rarick be and he is hereby ordered to produce and permit the inspection, copying and photographing by James H. Morrison, a defendant in the above cause, of the following books, papers and documents:

1. Federal income tax returns and all supporting schedules relating thereto of plaintiff, John R. Rarick, for the years 1963, 1964, 1965, 1966 and 1967.

2. Louisiana income tax returns and all supporting schedules relating thereto for the years 1963, 1964, 1965, 1966 and 1967.

3. Ledgers, journals, checkbooks, cancelled checks and other financial records forming the basis for the information contained in the tax returns described in 1 and 2 above.

Clinton, Louisiana, the .... day of March, 1968.

.....
Judge.

SAM MONK ZELDEN,
TALLEY, ANTHONY, HUGHES
& KNIGHT,
By BASCOM D. TALLEY, JR.,
(Bascom D. Talley, Jr.),
322 Columbia Street,
Bogalusa, La. 70427,
Attorneys for Mover.

State of Louisiana,
Parish of Washington.

BEFORE ME, the undersigned authority, personally came and appeared:

BASCOM D. TALLEY, JR.,

who after being duly sworn did depose and say:

That he is one of the attorneys of record in the above entitled and numbered cause and that all allegations of fact contained in the above and foregoing motion are true and correct to the best of his knowledge, information and belief.

BASCOM D. TALLEY, JR.,
(Bascom D. Talley, Jr.).

Sworn to and subscribed before me this the 22 day of March, 1968.

RICHARD KNIGHT,
Notary Public.

APPENDIX I.

Form 1040 U.S. Individual Income Tax Return 1966

for the year January 1–December 31, 1966, or other taxable year beginning ..... 1966, ending ..... 19..... U.S. Treasury Department—Internal Revenue Service

Please print or type

John R. & Marguerite G. Rarick
Box 236
St. Francisville, La.

Your social security number (Husband's, if joint return): 312 18 6242

Your occupation: District Judge Member of Congress

Wife's number, if joint return: 439 24 8058

Enter the name and address used on your return for 1965 (if the same as above, write "Same"). If none filed, give reason. If changing from separate to joint or joint to separate returns, enter 1965 names and addresses.

Wife's occupation: Housewife

Your present employer and address: U.S. Government, Washington D.C.

Wife's present employer and address, if joint return: Ne. as above and % Rm 1317 H.O.B., Washington D.C.

Filing Status—check only one:

1a ☒ Single
1b ☐ Married filing joint return (even if only one had income)
1c ☐ Married filing separately. If your husband or wife is also filing a return give his or her first name and social security number.
1d ☐ Unmarried Head of Household
1e ☐ Surviving widow(er) with dependent child

Exemptions

	Regular	65 or over	Blind	Enter number of exemptions checked
2a Yourself	☒	☐	☐	
2b Wife	☒	☐	☐	2

3a First names of your dependent children who lived with you: John R. II, Carolyn Cherie, Laura Lee — Enter number ▶▶▶ 3

3b Number of other dependents (from page 2, Part I, line 3)

4 Total exemptions claimed ▶▶▶ 5

Attach Copy B of Form W-2 here

Income (If joint return, include all income of both husband and wife)

5	Wages, salaries, tips, etc. If not shown on attached Forms W-2 attach explanation ▶	4,896	78
6	Other income (from page 2, Part II, line 8) ▶	8,939	99
7	Total (add lines 5 and 6)	13,886	77
8	Adjustments (from page 2, Part III, line 5) ▶	None	
9	Total income (subtract line 8 from line 7) ▶	13,286	77

Figure tax by using either 10 or 11

10 Tax Table—If you do not itemize deductions and line 9 is less than $5,000, find your tax from tables in instructions. Do not use lines 11a, b, c, or d. Enter tax on line 12.

Tax Computation

11 Tax Rate Schedule—

11a If you itemize deductions, enter total from page 2, Part IV. If you do not itemize deductions, and line 9 is $5,000 or more enter the larger of: (1) 10 percent of line 9 or; (2) $200 ($100 if married and filing separate return) plus $100 for each exemption claimed on line 4, above. Deduction under (1) or (2) limited to $1,000 ($500 if married and filing separately). ▶ 2,362 18

11b Subtract line 11a from line 9 — 11,524 59

11c Multiply total number of exemptions on line 4, above, by $600 — 3,000 00

11d Subtract line 11c from line 11b. Enter balance on this line. (Figure your tax on this amount by using tax rate schedule on page 11 of instructions.) Enter tax on line 12. — 8,524 59

Tax Credits Payments

12	Tax (from either Tax Table, see line 10, or Tax Rate Schedule, see line 11) ▶	1,495	41
13	Total credits (from page 2, Part V, line 5) ▶	None	
14a	Income tax (subtract line 13 from line 12)	1,495	41
14b	Tax from recomputing prior year investment credit (attach statement)	None	
15	Self-employment tax (Schedule C-3 or F-1) ▶	None	
16	Total tax (add lines 14a, 14b, and 15) ▶	1,495	41
17	Total Federal income tax withheld (attach Forms W-2) ▶ 490 00		
18	1966 Estimated tax payments (include 1965 overpayment allowed as a credit) ▶ None		
19	Excess F.I.C.A. Tax Withheld (two or more employers—see page 5 of inst.) ▶ None		
20	Nonhighway Federal gasoline tax—Form 4136, Reg. Inv.—Form 2439 None		
21	Total (add lines 17, 18, 19, and 20)	490	00

Tax Due or Refund

22	If payments (line 21) are less than tax (line 16), enter Balance Due. Pay in full with this return ▶	1,005	41
23	If payments (line 21) are larger than tax (line 16), enter Overpayment ▶▶▶	None	
24	Amount of line 23 you wish credited to 1967 Estimated Tax	None	
25	Subtract line 24 from 23. Apply to: ☐ U.S. Savings Bonds, with excess refunded or ☐ Refund only	None	

Attach Check or Money Order here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

Sign here ▶ _____ Date _____

If joint return, BOTH HUSBAND AND WIFE MUST SIGN even if only one had income.

Sign here _____ Date _____

Signature of preparer other than taxpayer. Address

668—16—79301-8

Form 1040 U.S. Individual Income Tax Return

U.S. Treasury Department, Internal Revenue Service — for the year January 1–December 31, 1967, or other taxable year beginning Jan. 1, 1967, ending Dec. 31, 19 67

1967

Please print or type

First name and initial (If joint return, use first names and middle initials of both): John. R. and Marguerite G.

Last name: RARICK

Your social security number: 312 | 18 | 6242

Home address (Number and street or rural route): 7370 Airline Highway

Your occupation: Congressman

City, town or post office, and State: Baton Rouge, Louisiana

ZIP code

Spouse's social security number: 439 | 24 | 8058

Enter below name and address used on your return for 1966 (if same as above, write "Same"). If none filed, give reason. If changing from separate to joint or joint to separate returns, enter 1966 names and addresses.

Your present employer and address: Box 236, St. Francisville, Louisiana

Spouse's occupation: Housewife

Spouse's present employer and address, if joint return: U.S. Government, Washington, D. C. Unemployed.

Your Filing Status—check only one:

1a ☐ Single

1b ☒ Married filing joint return (even if only one had income)

1c ☐ Married filing separately. If spouse is also filing a return, enter her (his) social security number in space provided above and give first name here .....

1d ☐ Unmarried Head of Household

1e ☐ Surviving widow(er) with dependent child

Your Exemptions

	Regular	65 or over	Blind	Enter number of boxes checked ▶
2a Yourself . . .	☒	☐	☐	2
2b Spouse . . .	☒	☐	☐	

3a First names of your dependent children who lived with you: Carolyn Charla, Laurie Lee — Enter number ▶ 2

3b Number of other dependents (from page 2, Part I, line 3)

4 Total exemptions claimed . . . . . ▶ 4

Please attach Copy B of Form W-2 here

Income. If joint return include all income of both husband and wife	5	Wages, salaries, tips, etc. If not shown on attached Forms W-2 attach explanation	5	27,333.33
	6	Other income (from page 2, Part II, line 8)	6	(450.00)
	7	Total (add lines 5 and 6)	7	26,883.33
	8	Adjustments to income (from page 2, Part III, line 5)	8	3,947.17
	9	Total income (subtract line 8 from line 7)	9	22,936.16
Find tax from table —OR—	10	If you do not itemize deductions and line 9 is less than $5,000, find your tax from tables in instructions. Do not use lines 11a, b, c, or d. Enter tax on line 12.	10	
Figure tax using tax rate schedules	11a	If you itemize deductions, enter total from page 2, Part IV, line 17. If you do not itemize deductions, and line 9 is $5,000 or more enter the larger of: (1) 10 percent of line 9; OR (2) $200 ($100 if married and filing separate return) plus $100 for each exemption claimed on line 4, above. Deduction under (1) or (2) limited to $1,000 ($500 if married and filing separately).	11a	2,466.40
	11b	Subtract line 11a from line 9	11b	20,469.76
	11c	Multiply total number of exemptions on line 4, above, by $600	11c	2,400.00
	11d	Subtract line 11c from line 11b. Enter balance on this line. (Figure your tax on this amount by using tax rate schedule on page 11 of instructions.) Enter tax on line 12.	11d	18,069.76
Your Tax, Credits, and Payments	12	Tax (from either Tax Table, see line 10, or Tax Rate Schedule, see lines 11a–11d)	12	3,839.53
	13	Total credits (from page 2, Part V, line 4)	13	
	14a	Income tax (subtract line 13 from line 12)	14a	3,839.53
	14b	Tax from recomputing prior year investment credit (attach statement)	14b	
	15	Self-employment tax (Schedule C–3 or F–1)	15	
	16	Total tax (add lines 14a, 14b, and 15)	16	3,839.53
	17	Total Federal income tax withheld (attach Forms W-2)	17	5,077.44
	18	Excess F.I.C.A. tax withheld (two or more employers—see page 5 of instr.)	18	
	19	☐ Nonhighway Federal gasoline tax—Form 4136, ☐ Reg. Inv.—Form 2439	19	
	20	1967 Estimated tax payments (Include 1966 overpayment allowed as a credit)	20	
	21	Total (add lines 17, 18, 19, and 20)	21	5,077.44
Balance Due or Refund	22	If payments (line 21) are less than tax (line 16), enter Balance Due. Pay in full with this return	22	
	23	If payments (line 21) are larger than tax (line 16), enter Overpayment	23	1,237.91
	24	Amount of line 23 you wish credited to 1968 Estimated Tax	24	
	25	Subtract line 24 from 23. Apply to: ☐ U.S. Savings Bonds, with excess refunded or ☐ Refund only	25	1,237.91

Please attach Check or Money Order here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

Sign here ▶ Your signature — Date

Spouse's signature (If filing jointly, BOTH must sign even if only one had income)

▶ Signature of preparer other than taxpayer — Date

Address

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